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## FAX

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Angela M. Rossi

FROM

PAGES (WITH COVER)

2298

REFERENCE NO

41577/321208

CLIENT/MATTER NO.

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## CONFIDENTIALITY NOTE:

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## COMMENTS

Re: U.S. Patent Application Serial No. 10/550,773  
Our Ref. No. 41577/321208

## TO BE COMPLETED BY KS OPERATIONS CENTER

TRANSMISSION RECEIPT DATE/TIME: \_\_\_\_\_

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ATLANTA AUGUSTA CHARLOTTE LONDON NEW YORK RALEIGH STOCKHOLM WASHINGTON WINSTON-SALEM

US2000 10253086.1

**IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

In re Application of:

Stephen Lloyd MICHELL, et al.

International

Application No. PCT/GB2004/001264

International

Filing Date: 24 March 2004 (24.03.2004)

U.S. Serial No.

10/550,773

U.S. Filing Date:

20 July 2006 (20.07.2006)

For: FRANCISELLA STRAIN FOR LIVE  
VACCINE

Commissioner of Patents

P. O. Box 1450

Alexandria, Virginia 22313-1450

Attorney Docket No. 41577/321208

Date: September 4, 2007

**REQUEST FOR ISSUANCE OF A CORRECTED FILING RECEIPT AND A  
CORRECTED NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371  
AND 37 CFR 1.495**

Sir:

Applicants respectfully request issuance of a corrected Filing Receipt making the following corrections:

Correct name of the first inventor to read

'Stephen Lloyd Michell'

Correct the spelling of the second inventor's name to read

'Petra Claire Farquhar Oyston'

Correct the date of the domestic priority data to read

'03/24/2004'

Applicants respectfully request issuance of a corrected Notice of Acceptance of Application making the following correction:

Correct the international application filing date to read

'03/24/2004'

US2000 10268293 1

U.S. Patent Application Serial No. 10/550,773

Filed: July 20, 2006

**REQUEST FOR ISSUANCE OF A CORRECTED FILING RECEIPT AND A CORRECTED NOTICE OF  
ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495**

Attached is a copy of the Declaration for Patent Application evidencing the correct information.

Respectfully requested,



Dean W. Russell  
Reg. No. 33,452

KILPATRICK STOCKTON LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, GA 30309-4530  
404-815-6528

1954240

US2000 10268293.1



## UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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www.uspto.gov

APPL NO.	FILING OR 371(C) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
10/550,773	07/20/2006	1645	1230	41577/321208	19	4

CONFIRMATION NO. 1870

23370

JOHN S. PRATT, ESQ  
KILPATRICK STOCKTON, LLP  
1100 PEACHTREE STREET  
ATLANTA, GA 30309

## FILING RECEIPT



\*OC000000025297100\*

Date Mailed: 08/10/2007

Receipt is acknowledged of this nonprovisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

*CLAIRE* Stephen Lloyd ~~Hay~~ Michell, Wiltshire, UNITED KINGDOM;  
Petra ~~Clairon~~ Farquhar Oyston, Wiltshire, UNITED KINGDOM;  
Janine Elizabeth Quarry, Wiltshire, UNITED KINGDOM;  
Richard William Titball, Wiltshire, UNITED KINGDOM;

## Assignment For Published Patent Application

DEFENCE THE SECRETARY OF STATE FOR DSTL, PORTON DOWN, UNITED KINGDOM  
SP4 OJQ, UNITED KINGDOM

Power of Attorney: The patent practitioners associated with Customer Number 23370.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/GB04/01264 03/24/2005 <sup>2004</sup>

## Foreign Applications

UNITED KINGDOM 0307089.3 03/27/2003

If Required, Foreign Filing License Granted: 02/20/2007

RCVD AUG 15 '07

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/550,773**

**Projected Publication Date:** 11/15/2007

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Francisella Strain for Live Vaccine

**Preliminary Class**

435

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but **does not** result in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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### **LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

### **GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/550,773	Stephen Lloyd Lloyd Michell	41577/321208

INTERNATIONAL APPLICATION NO.

PCT/GB04/01264

LA. FILING DATE	PRIORITY DATE
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03/24/2003

03/27/2003

2004

CONFIRMATION NO. 1870

371 ACCEPTANCE LETTER



\*OC000000025297101\*

23370

JOHN S. PRATT, ESQ  
KILPATRICK STOCKTON, LLP  
1100 PEACHTREE STREET  
ATLANTA, GA 30309

Date Mailed: 08/10/2007

### NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

07/20/200607/20/2006

DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and  
(c)(4) REQUIREMENTS

DATE OF COMPLETION OF ALL 35 U.S.C. 371  
REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 09/27/2005
- Copy of the International Search Report filed on 09/27/2005
- Copy of IPE Report filed on 09/27/2005
- Preliminary Amendments filed on 09/27/2005
- Information Disclosure Statements filed on 07/20/2006
- Biochemical Sequence Diskette filed on 04/12/2007
- Oath or Declaration filed on 07/20/2006
- Biochemical Sequence Listing filed on 07/20/2006
- U.S. Basic National Fees filed on 09/27/2005
- Priority Documents filed on 09/27/2005
- Power of Attorney filed on 07/20/2006

RCVD AUG 15 '07

- Specification filed on 09/27/2005
- Claims filed on 09/27/2005
- Abstracts filed on 09/27/2005
- Drawings filed on 09/27/2005

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Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.6)

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DEBORAH D WILLIAMS

Telephone: (703) 308-9140 EXT 205

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)



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Attorney Docket No.:  
Express Mail Label  
No.41577/321208  
EV736491623US**DECLARATION FOR PATENT APPLICATION**☒ Original☐ Supplemental☐ Substitute☐ PCT

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below), or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

FRANCISELLA STRAIN FOR LIVE VACCINE  
(Title of the Invention)

the specification of which (check one)

☐ is attached hereto☒ was filed on 24 March 2004 asPCT International Application Number PCT/GB2004/001264  
and was amended  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 (a) - (d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified, by checking the box below, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

ATLLEB01 1834456.1

U.S. National Phase of PCT 2004/001264  
 Filed: 27 September 2005  
 For: Francisella Strain For Live Vaccine  
 Inventors: Stephen Lloyd MICHELL, et al.  
 Declaration for Patent Application  
 Page 2

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Prior Foreign Applications			Priority Claimed		Copy Attached	
Application Number	Country	Foreign Filing Date (MM/DD/YYYY)	YES	NO	YES	NO
0307089.3	GB	03/27/2003	x			x

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below and claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Parent Application Number	Filing Date	Status (Mark Appropriate Column Below)		
		Patented	Pending	Abandoned

I authorize the U.S. attorneys or agents associated with the customer number provided below to accept and follow instructions from my employer (if I am an employee and this application has been or will be assigned to my employer) or the entity with which I have contracted (if I am an independent contractor and this application has been or will be assigned to such entity), as to any action to be taken in the United States Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys or agents associated with the customer number provided below will be so notified by the undersigned.

As a named inventor, I hereby revoke all prior powers and appoint the practitioners associated with \_\_\_\_\_ to prosecute this application and transact all

**CUSTOMER NO.**

**23370**

business in the United States Patent and Trademark Office connected therewith.

U.S. National Phase of PCT 2004/001264  
Filed: 27 September 2005  
For: Francisella Strain For Live Vaccine  
Inventors: Stephen Lloyd MICHELL, et al.  
Declaration for Patent Application  
Page 3

I acknowledge that the attorneys and agents associated with the aforementioned customer number are with Kilpatrick Stockton LLP and represent my employer (if I am an employee and this application has been or will be assigned to my employer) or the entity with which I have contracted (if I am an independent contractor and this application has been or will be assigned to such entity) and in such cases do not represent me individually. I further acknowledge I have not established, nor will I seek to establish, any personal attorney/client relationship with Kilpatrick Stockton LLP in connection with this application and understand that, should I require legal representation, I will obtain such, at my expense, other than through Kilpatrick Stockton LLP.

Send Correspondence to:

CUSTOMER NO.

**23370**

Direct telephone calls to: Jamie L. Greene Phone No.: 404.745.2473


I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Stephen Lloyd MICHELL  
Inventor's signature S. Michell Date 11/11/05  
Residence UK  
Citizenship Great Britain  
Post Office Address DSTL, Porton Down, Salisbury, Wiltshire SP4 0JQ United Kingdom

Full name of second inventor Petra Claire Farquhar OYSTON  
Inventor's signature P. Farquhar Date 19/11/05  
Residence \_\_\_\_\_  
Citizenship Great Britain  
Post Office Address DSTL, Porton Down, Salisbury, Wiltshire SP4 0JQ United Kingdom

U.S. National Phase of PCT 2004/001264  
Filed: 27 September 2005  
For: Francisella Strain For Live Vaccine  
Inventors: Stephen Lloyd MICHELL, et al.  
Declaration for Parent Application  
Page 4

Full name of third inventor Janine Elizabeth QUARRY

Inventor's signature 

Date

14/11/05

Residence


UK

Citizenship

Great Britain

Post Office Address DSTL, Porton Down, Salisbury, Wiltshire SP4 0JQ United Kingdom

Full name of fourth inventor Richard William TITBALL

Inventor's signature 

Date

14/11/05

Residence

UK

Citizenship

Great Britain

Post Office Address DSTL, Porton Down, Salisbury, Wiltshire SP4 0JQ United Kingdom